



24 JUL 2002

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In re Application of
RØNNEKLEIV, Erlend
U.S. Application No.: 10/018,460
PCT No.: PCT/NO00/00219
International Filing Date: 22 June 2000
Priority Date: 23 June 1999
Attorney's Docket No.: 2036-200
For: ELIMINATION OF POLARIZATION
FADING IN UNBALANCED
OPTICAL MEASURING
INTERFEROMETERS

COMMUNICATION

This application is before the Office of PCT Legal Administration on matters arising under 35 U.S.C. §371.

BACKGROUND

On 22 June 2000, applicant filed international application PCT/NO00/00219, which claimed a priority date of 23 June 1999 and which designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB") on 28 December 2000.

On 19 December 2001, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and an executed declaration.

On 12 March 2002, the office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 22 March 2002, applicant submitted "Response to the Notice of Missing Requirements," accompanied by a post card receipt and a copy of the declaration.

On 22 April 2002, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed giving the application the date 22 March 2002 under 35 U.S.C. §371(c) and 35 U.S.C.

DISCUSSION

The date under the heading "filing date" on the filing receipt of a national stage application is the date upon which applicant completes the requirements under 35 U.S.C. §371(c). MPEP

§1895.01 (A) (August 2001). Those requirements are the submission of: (1) the national fee; (2) a copy of the international application; (3) a translation of the application if it is not in English; (4) amendments to international application claims if any and (5) translation into English if such amendments were made in another language; (6) an oath or declaration of the inventor; and (7) a translation into English of any annexes to the international preliminary examination report, if such annexes were made in another language. 35 U.S.C. §371(c).

The record reflects that by 19 December 2001, the Office had received, *inter alia*, the national fee, a copy of the international application, and the declaration. Thus, applicant completed the 35 U.S.C. §371(c) requirements on 19 December 2001.

The date under the filing date heading on the filing receipt is 22 March 2002. This is not consistent with the record. A review of Form PCT/DO/EO/903 dated 22 April 2002 shows that it lists the filing date as 22 March 2002. As discussed, the §371(c) requirements were met on 19 December 2001.

CONCLUSION

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 22 April 2002 is **VACATED**.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed 12 March 2002 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a new Notification of Acceptance (Form PCT/DO/EO/903) and filing receipt. The application has an international filing date of 22 June 2000 under 35 U.S.C. §363 and a date of 19 December 2001 under 35 U.S.C. §371.


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